

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION UNDER 37 C.F.R. §1.47(a) FOR FILING WHEN AN
INVENTOR REFUSES TO SIGN



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APPLICANTS: Ulrich HETZER et al CONFIRMATION NO.: 6272
SERIAL NO.: 09/911,811 GROUP ART UNIT: 2853

FILED: July 24, 2001

TITLE: "ARRANGEMENT AND METHOD FOR DATA FOLLOW-UP
WARMUP CYCLES OF INK JET PRINT HEADS"

Assistant Commissioner for Patents,
Washington, D.C. 20231

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The above-referenced application names four persons as joint inventors, including George Gelfer. All of the inventors with the exception of Mr. Gelfer have signed the Declaration and Power of Attorney which is filed simultaneously herewith. Despite diligent efforts on the part of the owner of the application, Mr. Gelfer has refused to sign the Declaration, and therefore allowing the application to proceed to examination in the United States Patent and Trademark Office, without the signature of Mr. Gelfer on the Declaration and Power of Attorney, is respectfully requested.

The present United States application is a counterpart to, and claims conventional priority under 35 U.S.C. §119 based on, German Application 100 36 345.8, filed in the German Patent and Trademark Office on July 26, 2000. The Applicant of that German application is Francotyp Postalia AG & Co. KG, a German company. Mr. Gelfer at the relevant times relating to the present application was an employee of the North American subsidiary of that German corporation, doing business at the relevant times initially as Postalia Inc. and subsequently as Francotyp Postalia, Inc. Mr. Gelfer held the position of General Manager of this North American subsidiary,

as well as being a member of the North American Board of Directors and also held the title of Senior Executive in the North America marketplace. The undersigned counsel has reviewed the employment contract by which Mr. Gelfer assumed these positions.

Dr. Wolfgang Thiel is responsible for supervising worldwide patent matters, including patent prosecution, for Francotyp Postalia AG & Co. KG. The Declaration of Dr. Thiel sets forth the efforts which have been conducted internally within Francotyp Postalia AG & Co. KG to contact Mr. Gelfer and to obtain his signature on the Declaration and Power of Attorney. The Declaration of Dr. Thiel is accompanied by Exhibits which constitute documentary evidence of these efforts. The documents which are attached to the Declaration of Dr. Thiel were sent to Mr. Gelfer's last known home address and e-mail address, respectively. The last document in the correspondence included a statement that if no response was received from Mr. Gelfer, this would be interpreted by Francotyp Postalia AG & Co. KG as a refusal on the part of Mr. Gelfer to sign the Declaration and Power of Attorney. No response from Mr. Gelfer was received.

The last known address of Mr. Gelfer is 135 Appelgate Drive, Westchester, Pennsylvania 19382. The last known e-mail address for Mr. Gelfer was ggelfer@ikon.com.

The present Petition therefore satisfies all of the requirements set forth in subsections A, B and C of MPEP §409.03(a), and is accompanied by a check for the

fee required by 37 C.F.R. §1.17(b) in the amount of \$130.00. Granting of the present Petition is therefore respectfully requested.

Submitted by,

Steven H. Noll

(Reg. 28,982)

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on February 27, 2002.

Steven H. Noll

STEVEN H. NOLL